



PATENT APPLICATION
DOCKET NO. 01733-21955

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Cox et al.	CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8 I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, under 37 C.F.R. § 1.8 on the date indicated below and is addressed to Commissioner for Patents, Alexandria, VA 22313-1450. <u>Judy Anderson</u> Name <u>11/3/2006</u> Date of Deposit
SERIAL NO.:	10/690.219	
FILED:	October 20, 2003	
FOR:	SCRUBBING SYSTEMS AND METHODS FOR COAL FIRED COMBUSTION UNITS	
ART UNIT:	1764	
EXAMINER:	Duong, Thanh P.	
DOCKET NO.:	01733-21955	

**DECLARATION OF CRAIG E. COX, MICHAEL A. HENDRICKSON, and
MARK Q. HENNEFENT UNDER 37 C.F.R. § 1.131**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We. declare as follows:

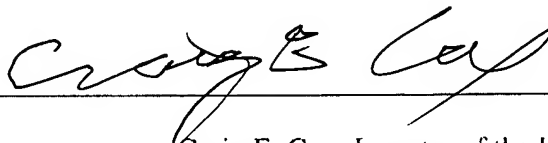
1. I am a named inventor in the above-captioned application and the subject matter described and claimed therein.
2. It is my understanding that various claims in the above-recited patent application have been rejected in view of United States Patent 6,960,329, filed March 12, 2002, and entitled Method and Apparatus for Removing Mercury Species from Hot Flue Gas.

3. The invention as described and claimed in the above-captioned patent application (10/690,219) was conceived prior to March 12, 2002 and was followed by diligence until constructive reduction to practice of filing the above-captioned patent application. I participated in the conception and development of the claimed scrubbing system and contributed to the disclosures which were subsequently used in preparation of the above-referenced patent application. Exhibit 1 contains a redacted version of evidence of conception, which describes, in part, the invention, and which was prepared prior to March 12, 2002. Specifically, Exhibit 1 sets forth the inventive concept of using a wet scrubber with a fluidized coal bed as claimed in the above captioned patent application (10/690,219). Exhibit 2 contains a summary and identification of activities which occurred between conception and constructive reduction to practice which illustrate that the invention was diligently developed through business and engineering activities.

4. It is my understanding that the invention as described and claimed in the above-captioned patent application (10/690,219) was conceived prior to March 12, 2002, although my inventive contribution was after this date. Upon my involvement, I actively participated in the practical development of the invention and contributed to the disclosures which were subsequently used in preparation of the above-referenced patent application. Exhibit 2 contains a summary and identification of activities which occurred between conception and constructive reduction to practice which illustrate that the invention was diligently developed through business and engineering activities.

I, Craig Cox declare that all statements in above sections 1-3 are made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statement may jeopardize the validity of the application or any patent issuing thereon.

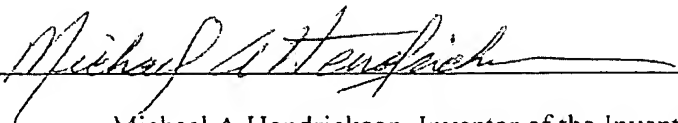
DATED this 3rd day of November, 2006.



Craig E. Cox, Inventor of the Invention

I, Michael A Hendrickson declare that all statements in above sections 1, 2 and 4 are made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statement may jeopardize the validity of the application or any patent issuing thereon.

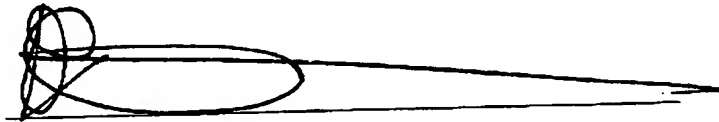
DATED this 3 day of November, 2006.



Michael A Hendrickson, Inventor of the Invention

I, Mark Hennenfent declare that that all statements in above sections 1, 2 and 4 are made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statement may jeopardize the validity of the application or any patent issuing thereon.

DATED this 2nd day of November, 2006.

A handwritten signature in black ink, consisting of a stylized, elongated loop followed by a horizontal line extending to the right.

Mark Q. Hennenfent, Inventor of the Invention



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EXHIBIT 2

SHOWING OF EVIDENCE ESTABLISHING DILIGENCE
UNDER MPEP§ 715.07(a)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

During the time immediately proceeding March 12, 2002 (the critical reference date) until the date of filing the present application, Applicants engaged in activities directed toward reducing the invention to practice in a diligent manner. A generalized timeline of the Applicant's activities related to the Applicant's diligence is set forth below. The activities related generally to efforts to calculate engineering specifications and design, the development of alternative embodiments, performance and economic comparisons with competing technologies were also made, pursuing government and legal permitting, and evaluations of logistic and

marketability considerations for implementation of the invention. All of the above activities occurred during the time period of early 2002 to late 2003 with many of the events overlapping and extending over different time periods. Applicants disclosed the present invention to legal counsel in May 2003 and the present patent application was duly filed on October 20, 2003.

It is noted that the following timeline is not comprehensive of the Applicant's efforts to reduce the present invention to practice but merely exemplary of the Applicant's diligence. As shown in Exhibit 1, the claimed invention was conceived prior to March 12, 2002. Each of the events set forth below followed conception of the invention.

1. Met with Engineer regarding possible power plant configurations.
2. Met with Air Quality Consultants regarding permitting based on use of the inventive technology.
3. Met with an equipment supplier and consulting company regarding performance and costs of a power plant using the inventive technology.
4. Met to discuss alternative embodiments, possible equipment suppliers, and zoning permits for power plant incorporating the inventive technology.
5. Met with Division of Water Rights regarding procurement of water and environmental protective measures for plant incorporating the inventive technology.
6. Met with Accountant and Congressman regarding potential tax breaks and incentives available for plant incorporating the inventive technology.
7. Met with Mine Representatives regarding availability and specifications of coal for plant incorporating the inventive technology.
8. Met regarding status of water and land acquisition for plant incorporating the inventive technology.
9. Met with an industry consultant regarding power plant design and possible alternative embodiments.
10. Met to discuss type of coals which could be effective for use in a plant incorporating the inventive technology.
11. Met with Air Quality Consultants regarding coal types and effects on air quality and

- considering impact on inventive technology.
12. Met with realtor regarding land acquisition for power plant incorporating the inventive technology.
 13. Met with coal mining engineering consultant regarding feasibility and consistency of the coal alternatives.
 14. Met regarding the air quality monitoring requirement for the plant incorporating the inventive technology.
 15. Met with coal mine representatives regarding coal supplies for the plant incorporating the inventions technology.
 16. Met with County Commissioners regarding status of the plant.
 17. Met with Air Quality Consultants regarding comparable technologies and costs.
 18. Met with Coal Mining Engineer regarding coal supply.
 19. Meeting with Patent Attorney regarding possible patent coverage for invention.
 20. Meeting with Engineer regarding possible refinement of related scrubbing technology.
 21. Meeting with Environmental attorneys and patent attorney regarding status of power plant.
 22. Meeting with Engineers regarding suppliers of equipment.
 23. Meeting with Air Quality Consultants regarding permitting process for plant incorporating the inventive technology.
 24. Meeting with Environmental Attorney regarding impact of plant incorporating the inventive technology on national parks, forests, and wilderness areas.
 25. Met with Engineers regarding possible creation of simulations of the plant incorporating the inventive technology.
 26. Met with County Commissioners regarding status of plant incorporating the inventive technology.
 27. Met with Air Quality consultants regarding incorporating inventive technology in existing power plants.
 28. Meeting regarding permitting, market conditions, and land, coal and water supplies related to the plant incorporating the inventive technology.
 29. Review and input into patent application on inventive technology.

DATED this 3rd day of November, 2006.